

**TOWN OF BUCKEYE  
REGULAR COUNCIL MEETING**

**May 16, 2006**

**MINUTES**

**Town Council Chambers  
100 N. Apache Road  
Buckeye, AZ 85326  
7:00 p.m.**

**1. Call to Order/Pledge of Allegiance/Roll Call.**

Mayor Hull called the meeting to order at 7:02 p.m.

Members Present: Councilman Meck, Councilman Beard, Vice Mayor Urwiller, Mayor Hull (left the meeting at 9:45 p.m.), Councilwoman May, Councilman Doster (joined via telecom at 6:05 p.m.), and Councilman Garza. Mayoral Candidate Bobby Bryant and Councilmen Elect Dave Rioux and David Hardesty were also present.

Members Absent: None

Departments Present: Town Manager Carroll Reynolds, Town Attorney Scott Ruby, Town Clerk Linda Garrison, Deputy Clerk Lucinda Aja, Public Works Director Scott Lowe, Finance Manager Iris Wallace, Finance Director Doug Allen, Parks, Recreation, and Library Director Jeanine Guy, Community Development Director Bob Bushfield, Human Resources Director Toni Brown, Police Chief Dan Saban, Fire Chief Scott Rounds, Assistant Fire Chief Bob Costello, and Public Information Officer Bob Bushner.

**2. Comments from the Public**

None

**CONSENT AGENDA ITEMS**

All items with an (\*) are considered to be routine matters and will be enacted by one motion and vote of the Town Council unless a Councilmember requests. A motion was made by Vice Mayor Urwiller and seconded by Councilwoman May to approve the Consent Agenda Items \*3, \*4, \*5A, \*5B, \*5C, \*5D, \*5E,\*5F, \*5G and \*5H as presented. Motion passed unanimously.

**\*3.** Council approved the minutes of the May 2, 2006 Council Workshop and the 2006 Regular Council Meeting as presented.

**\*4.** Council approved the invoices due by the Town for payment. Copies of invoices are available at Town Hall.

**\*5. NEW BUSINESS - CONSENT AGENDA ITEMS**

**\*5A. Map of Dedication (MOD) for Phase 3 South Verrado Master Planned Community-VERRADO MOD06-01**

Council approved the Map of Dedication (MOD) for Phase 3 South, located south of Thomas Road and east of Verrado Way within the Verrado Master Planned Community requested by Kurt Jones of Anderson Brody Buchalter Nemer on behalf of Fidelity National Title Company.

**\*5B. Ordinance 33-06-Annexation ROOKS ROAD DEVELOPMENT A05-29**

Council adopted Ordinance 33-06 increasing the corporate limits of the Town by annexing certain territory contiguous to the existing Town Limits of the Town of Buckeye, Arizona, located at the northwest corner of Hazen Road and Rook Road requested by William Allison of Gallagher & Kennedy, P.A. on behalf of Rooks Road L.L.C.

**\*5C. Final Plat-SUNDANCE PARCEL 49a FP05-64**

Council approved the Final Plat for a single-family residential subdivision of 81 lots on approximately 18 acres located south of Yuma Road and east of Dean Road requested by Eric Froberg of RBF Consulting on behalf of Dean & Yuma, L.L.C.

**\*5D. Ordinance 34-06-Annexation -BENTRIDGE ESTATES A06-02**

Council adopted Ordinance 34-06 increasing the corporate limits of the Town of Buckeye by annexing certain territory within the 20' strip annexation of the Town of Buckeye, Arizona, approximately 78.79 acres generally located on the

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southeast corner of Lower Buckeye Road and Watson Road requested by Denise Lacey of RBF Consulting on behalf of Extreme Real Estate Development L.L.C.

**\*5E. Ordinance 35-06-Annexation- COTTON PICKIN' A05-32**

Council adopted Ordinance 35-06 increasing the corporate limits of the Town of Buckeye by annexing certain territory within the 20' strip annexation of the Town of Buckeye, Arizona, approximately 80.79 acres generally located on the southeast corner of MC 85 and Watson Road requested by Denise Lacey of RBF Consulting on behalf of Cotton Pickin' L.L.C.

**\*5F. Resolution 23-06-Amendment of Section 510 of the Town Personnel Rules & Policies Manual/Memorial Day**

Council adopted Resolution 23-06 amending Section 510 of the Town Personnel Rules & Policies Manual to reflect observation of Memorial Day holiday on the last Monday in May.

**\*5G. Property Purchase at 528 E. Monroe Avenue APN#400-21-137**

Council approved the request to begin the purchase of the property at 528 E. Monroe Avenue, APN#400-21-137, in the amount of \$157,500, plus commission fees.

**\*5H. Main Street National Convention**

Council approved funding source for members of Council to attend the Main Street National Convention.

**6. TABLED ITEMS**

**6A. Resolution 10-06-Area Plan-Tartesso Town Center- STARDUST AP05-08**

A motion was made by Vice Mayor Urwiller and seconded by Councilwoman May to table Resolution 10-06 requested by Stephen Earl on behalf of Stardust Development Inc. approving an Area Plan known as "Tartesso Town Center" on approximately 362 acres generally located southeast of Van Buren Street and Sun Valley Parkway; and southeast of Van Buren Street and Turner Road. Motion passed unanimously.

**6B. Resolution 18-06- Right of Way-DR HORTON AB06-02**

A motion was made by Vice Mayor Urwiller and seconded by Councilman Beard to adopt Resolution 18-06 requested by RBF Consulting on behalf of D.R. Horton, Dietz-Crane vacating and abandoning whatever right, title, or interest the Town of Buckeye has in certain Right-of-Way, generally located at the northwest corner of Watson Road and Southern Avenue. Councilman Meck, Councilman Beard, Vice Mayor Urwiller, Mayor Hull, and Councilman Garza voted aye. Councilwoman May voted nay. Motion carried.

**6C. Map of Dedication (MOD) for Riata Parkway- RIATA WEST COMMUNITY MOD04-488**

A motion was made by Vice Mayor Urwiller and seconded by Councilman Meck to approve a Map of Dedication (MOD) for Riata Parkway, requested by RBF Consulting on behalf of D.R. Horton Inc. – Dietz- Crane west of Watson Road and between Roeser and Southern Roads within the Riata West Community. Councilman Meck, Councilman Beard, Vice Mayor Urwiller, and Councilman Garza voted aye. Mayor Hull and Councilwoman May voted nay. Motion carried.

**6D. Final Plat for Riata West Unit 1-RIATA WEST COMMUNITY FP04-494**

A motion was made by Councilman Meck and seconded by Councilman Beard to Council to approve the Final Plat for Riata West Unit 1, requested by RBF Consulting on behalf of D.R. Horton Inc. – Dietz-Crane consisting of 435 single family lots generally located west of Riata Parkway within a portion of the south half of Section 28. Riata West is bounded by Watson Road to the east, Apache Road to the west, Roeser Road to the south and Southern Avenue to the north. Councilman Meck, Councilman Beard, Vice Mayor Urwiller, and Councilman Garza voted aye. Mayor Hull and Councilwoman May voted nay. Motion carried.

**6E. PUBLIC HEARING-SPURLOCK CMP04-115**

A Public Hearing was opened at 7:05 p.m. to hear citizen input on the proposed Sun Valley Community Master Plan consisting of approximately 5,770 acres generally located north of the Greenway Road Alignment and on both the east and west side of the Sun Valley Parkway, requested by Jay Cooper of Carter & Burgess on behalf of 10 K, L.L.C. , Spurlock Land L.L.C., Spurlock Land Investors 1 Limited Partnership and Spurlock Land Investors 11 Limited Partnership. There being no comment from the public the hearing was closed at 7:06 p.m.

**6F. Ordinance 26-06 Sun Valley Villages I and II, a Master Plan Community by WVSV Holdings, L.L.C.- SPURLOCK CMP04-115**

A motion was made by Councilwoman May and seconded by Councilman Meck to adopt Ordinance 26-06 approving both a First Amendment to Development Agreement and the Community Master Plan for the development known as "Sun Valley

Villages I and II, a Master Plan Community by WVSV Holdings, L.L.C., on approximately 5,770 acres of land and authorized execution of the First Amendment to Development Agreement request by Jay Cooper of Carter & Burgess on behalf of 10 K, L.L.C., Spurlock Land L.L.C., Spurlock Land Investors 1 Limited Partnership and Spurlock Land Investors 11 Limited Partnership. Councilman Doster joined the Meeting and wished to speak on Item 6F about his concerns with a conflict between the CMP and the Stipulations. After some discussion, a motion was made by Councilwoman May and seconded by Councilman Meck to reconsider the adoption of Ordinance 26-06. Motion passed unanimously. A motion was made by Councilman Doster and seconded by Councilwoman May to table Ordinance 26-06 approving both a First Amendment to Development Agreement and the Community Master Plan for the development known as "Sun Valley Villages I and II, a Master Plan Community by WVSV Holdings, L.L.C., on approximately 5,770 acres of land and authorized execution of the First Amendment to Development Agreement request by Jay Cooper of Carter & Burgess on behalf of 10 K, L.L.C., Spurlock Land L.L.C., Spurlock Land Investors 1 Limited Partnership and Spurlock Land Investors 11 Limited Partnership until the next Regular Council Meeting. Motion passed unanimously.

## **7. NEW BUSINESS**

### **7A. PUBLIC HEARING- PORTICO AREA PLAN AP05-04**

A Public Hearing was opened at 7:08 p.m. to hear citizen input on the proposed Area Plan for approximately 458 acres generally located at the northeast corners of Rainbow Road and Baseline Road (Maricopa County Route 85) and south of the Southern Pacific Railroad tracks, requested by Denise Lacey of RBF Consulting on behalf of Whitney Anderson & Morris, P.L.C. Bill Lally on behalf of the developers was available to answer Council's questions. There was a brief discussion by Council about their concerns of this development bordering the railroad tracks. Planner Adam Zaklikowski reported to Council that the Development Board accepted the Area Plan. There being no comment from the public the hearing was closed at 7:09 p.m.

### **7B. Resolution 24-06-Portico Area Plan AP05-04**

A motion was made by Councilman Garza and seconded by Councilman Beard to table this Item until the next Council Meeting. Councilman Doster, Councilwoman May, Vice Mayor Urwiller, and Councilman Meck voted nay. Councilman Beard, Mayor Hull and Councilman Garza voted aye. Motion failed. A motion was made by Councilman Meck and seconded by Councilwoman May to approve Resolution 24-06 requested by Denise Lacey of RBF Consulting on behalf of Whitney Anderson & Morris, P.L.C. approving an Area Plan known as Portico on approximately 458 acres generally located at the northeast and northwest corners of Rainbow Road and Baseline Road. Jeff Brand and Robert Hanson, landowners next to the proposed Area Plan, stated they were not properly notified. Councilman Beard, Councilman Meck, Councilman Doster, Vice Mayor Urwiller, Mayor Hull, Councilwoman May, and Councilman Garza voted aye. Councilman Beard and Mayor Hull voted nay. Motion carried.

### **7C. Ordinance 36-06- Zoning Map Amendment -RZ05-29 PORTICO**

A motion was made by Councilman Meck and seconded by Councilwoman May adopt Ordinance 36-06 requested by Denise Lacey of RBF Consulting on behalf of Whitney Anderson & Morris, P.L.C. amending the Zoning Map of the Town of Buckeye totaling approximately 407.9 acres generally located at the northeast and northwest corners of Rainbow Road and Baseline Road to the Planned Residential (PR) Zoning District. Councilman Meck, Vice Mayor Urwiller, Councilwoman May, Councilman Doster, and Councilman Garza voted aye. Councilman Beard and Mayor Hull voted nay. Motion carried.

### **7D. Ordinance 37-06-Rezone- RZ05-29 PORTICO**

A motion was made by Councilman Meck and seconded by Councilwoman May adopt Ordinance 37-06 amending the Zoning Map of the Town of Buckeye totaling approximately 26.5 acres located on two parcels east of Rainbow Road and north of Baseline Road from Rural Residential (RR) to Planned Community (PC) requested by Denise Lacey of RBF Consulting on behalf of Whitney Anderson & Morris, P.L.C. Councilman Meck, Vice Mayor Urwiller, Councilwoman May, Councilman Doster, and Councilman Garza voted aye. Councilman Beard and Mayor Hull voted nay. Motion carried.

### **7E. Ordinance 38-06-Rezone- PORTICO RZ05-29**

A motion was made by Councilman Meck and seconded by Councilwoman May adopt Ordinance 38-06 amending the Zoning Map of the Town of Buckeye totaling approximately 24.3 acres on two parcels located at the immediate northeast and immediate northwest corners of Rainbow Road and Baseline Road to the Commercial Center (CC) Zoning District. Councilman Meck, Vice Mayor Urwiller, Councilwoman May, Councilman Doster, and Councilman Garza voted aye. Councilman Beard and Mayor Hull voted nay. Motion carried.

### **7F. PUBLIC HEARING – ENTRADA AREA PLAN AP05-01**

A Public Hearing was opened at 7:55 p.m. to hear citizen input on the proposed Area Plan for approximately 540 acres, generally located between Rooks Road and Oglesby Road (SR 85) and MC 85 and Hazen Road requested by William Lally on behalf of Garth and Elaine Lamb Trust. After some discussion the hearing was closed at 8:03 p.m.

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**7G. Resolution 22-06- Area Plan for Benessere-ENTRADA AREA PLAN AP05-01**

A motion was made by Vice Mayor Urwiller and seconded by Councilman Beard to adopt Resolution 22-06 approving an Area Plan for Benessere on approximately 540 acres generally located between Rooks Road and Ogelsby Road (SR 85) and MC 85 and Hazen Road requested by William Lally on behalf of Garth and Elaine Lamb Trust. Motion passed unanimously.

**7H. Ordinance 39-06-Rezone- ENTRADA AREA PLAN RZ05-30**

A motion was made by Councilwoman May to approve Ordinance 39-06 amending the Zoning Map of the Town on approximately 255.3 acres generally located at the northwest corner of Rooks Road and Hazen Road from the Rural Residential (RR) Zoning District to the Planned Residential (PR) Zoning District requested by William Lally on behalf of Garth and Elaine Lamb Trust. Councilwoman May rescinded her motion to approve. A motion was made by Councilwoman May and seconded by Councilman Beard to Table Ordinance 39-06 until the next scheduled Regular Council Meeting. Motion passed unanimously.

**7I. Ordinance 40-06-Rezone- ENTRADA AREA PLAN RZ05-30**

Motion made by Councilman Beard and seconded by Councilwoman May to table Ordinance 40-06 amending the Zoning Map of the Town on approximately 282.3 acres generally located at the southwest corner of Rooks Road and Mc 85 from the General Commerce (GC) and Rural Residential (RR) Zoning Districts to the Planned Community (PC) Zoning District requested by William Lally on behalf of Garth and Elaine Lamb Trust. Motion passed unanimously.

**7J. Ordinance 41-06-Construction Sales Tax Increase**

A motion was made by Councilwoman May and seconded by Councilman Meck to adopt Ordinance 41-06 increasing the Construction Sales Tax from 2% to 3% for the purpose of funding transportation improvements with clarification language and the effective date. Motion passed unanimously.

**7K. Malcolm Pirnie, Inc. for the Preparation of Water Systems Emergency Operations Plan**

A motion was made by Councilwoman May and seconded by Councilman Doster to approve the award of a contract for professional engineering services to Malcolm Pirnie, Inc. for the Preparation of Water Systems Emergency Operations Plan, Solicitation Number 2006-PW001 to be funded from Public Works Administration fund. Motion passed unanimously.

**7L. Ordinance 42-06 Buckeye Town Code Chapter 20, by adding Article 20-27-1- Parkway Maintenance Improvement Districts**

A motion was made by Councilman Beard to table Ordinance 42-06 amending the Buckeye Town Code, Chapter 20, by adding Article 20-27-1, relating to the formation of Parkway Maintenance Improvement Districts. Their being no second the motion failed. A motion made by Councilman Meck and seconded by Councilwoman May to adopt Ordinance 42-06 amending the Buckeye Town Code, Chapter 20, by adding Article 20-27-1, relating to the formation of Parkway Maintenance Improvement Districts. Councilman Meck, Vice Mayor Urwiller, Mayor Hull, Councilwoman May, Councilman Doster, and Councilman Garza voted aye. Councilman Beard voted nay. Motion carried.

**7M. Amendment to the Pre-Annexation and Development Agreement- Trillium West, LLC and JF Properties Inc.**

A motion made by Vice Mayor Urwiller and seconded by Councilwoman May to approve the Amendment to the Pre-Annexation and Development Agreement by and between the Town, and Trillium West, LLC and JF Properties Inc. Motion passed unanimously.

**7N. Conveyance and Acceptance Agreements- Sundance**

A motion was made by Vice Mayor Urwiller and seconded by Councilwoman May to approve Conveyance and Acceptance Agreements, and related Service Agreements, for the following conveyances of public infrastructure, associated with requests from Sundance project developers for reimbursement from Sundance Community Facilities District funds:

- A. Portion of Water Supply Line (Phase 2d) Well #7 and Related Appurtenances
- B. Portion Yuma Road and Multiple Water Lines (Phase 2d) and Related Appurtenances
- C. Portion Paving South Sundance Parkway Rainbow to Dean Excluding Parcels 40/41 (Phase 2a/2d) and Related Appurtenances
- D. Portion Sundance Phase 2d Infrastructure: Sundance Parkway South and Dean Road Street Improvements - Nesbitt Phase 2d Paving Co. #1 and Related Appurtenances
- E. Portion Traffic Signal Watson and Yuma Roads and Related Appurtenances
- F. Portion Paving Yuma Rd and Related Appurtenances
- G. Portion Effluent Line and Related Appurtenances
- H. Portion Tank Site No. 1 and Related Appurtenances
- I. Portion Landscaping (Phase 2a/2c) and Related Appurtenances

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- J. Parcel 20A offsite sewer and Related Appurtenances
  - K. Portion Well Supply Line for Well #4 and Related Appurtenances
  - L. Portion Well #4 Equipping and Related Appurtenances
  - M. Drill Well #7 and Related Appurtenances
  - N. Portion Storage Tank Site and Pumps in Phase 2 of the Sundance Water Storage Tank Site and Related Appurtenances
  - O. Portion Phase 2B Collector Roads: Phase 1D North Sundance Parkway from Parcel 13 to Van Buren (Combs and Calderon) and Related Appurtenances
  - P. Portion Phase 2B Major Arterial Roads and Related Appurtenances
  - Q. Portion Phase 1B, 2A & 2C Landscaping and Related Appurtenances
  - R. Portion Sundance Phase 2c Infrastructure: South Sundance Parkway Paving - Combs and Related Appurtenances
- Motion passed unanimously.

**7O. FY 06/07 budget Presentation**

Douglas Allen, Finance Director, presented Council the proposed FY 06/07 budget.

**7P. Town Manager Presentation**

Town Manager Carroll Reynolds showed Council a Powerpoint presentation on projects completed during the past year.

**7Q. Executive Session of Town Manager Performance Evaluation**

A motion was made by Councilman Beard and seconded by Councilwoman May to convene into executive session pursuant to A.R.S. 38-431.03 (A) (1) for the purpose of discussion of the evaluation/performance of the Town Manager at 9:23 p.m. Motion passed unanimously.

**7R. Reconvene from executive session into the regular meeting to discuss the Town Manager's performance evaluation and potential adjustment to the Town Manager's contract and/or compensation.**

At 10:27 p.m. the Regular Council Meeting was reconvened. A motion was made by Councilwoman May and seconded by Councilman Meck to approve the Town Manager's contract and compensation. Motion passed unanimously.

**8. Town Manager's Report**

- \*May 24<sup>th</sup> is Graduation
- \*Temporary Position of Fire Department employee not a conflict of interest.
- \*Unofficial results of Election announced.

**9. Comments from the Mayor and Council**

There were no comments

**10. Adjournment.**

There being no further business to come before Council a motion was made by Councilwoman May and seconded by Councilman Beard to adjourn the meeting at 10:30 p.m. Motion passed unanimously.

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**Dustin Hull, Mayor**

**ATTEST:**

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**Linda Garrison, Town Clerk**

I hereby certify that the foregoing is a true and correct copy of the Regular Meeting held on the 16th day of May, 2006. I further certify that a quorum was present.

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**Linda Garrison, Town Clerk**